



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/273,507	03/22/99	KANTERAKIS	E GBT155US

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WM02/0104

EXAMINER

TSE, Y

ART UNIT

PAPER NUMBER

2634

DATE MAILED:

01/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/273,507

Applicant(s)

Kanterakis et al.

Examiner

Young Tse

Group Art Unit

2634



☒ Responsive to communication(s) filed on Mar 22, 1999

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire two month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☒ Claim(s) 1 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 22, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference signs 309 to 330, 521, and 525 mentioned in the specification (page 47, line 8 to page 48, line 13) are not shown in any of the block elements of Figure 24. Correction is required.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

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Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: at page 1, lines 2-10, Applicants are requested to clarify the continuation data, for example, the serial no. 08/638,397 appears to be the serial no. 09/638,394, now U.S. Patent No. 5,864,578 and both line 4 and line 7, "MATCHED-FILTER BASED" should be changed to --MATCHED FILTER-BASED--; at page 8, line 17, the phrase "for a base station or a base station" is not understood; at page 47, line 17, "315" should be changed to --314--; and at page 56, line 19, the word "than" is misspelled. Appropriate correction is required.

Claim Objections

6. Claim 1 is objected to because of the following informalities: in claim 1, line 9, the phrase "the first received-spread-spectrum signal" should be changed to --a first received-spread-spectrum signal--; pages 22-23, the phrase "the predetermined handoff threshold" should be changed to --a predetermined handoff threshold--; and line 55, the phrase "the first RS data rate" should be changed to --a first RS data rate-- to avoid the antecedent basis. Appropriate correction is required.

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Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art references Schmidt (U.S. Patent No. 4,201,892), Cooper et al. (U.S. Patent No. 4,222,115), Omura (U.S. Patent No. 5,164,958), Schilling (U.S. Patent No. 5,179,571), Gilhousen et al. (U.S. Patent No. 5,265,119), Lomp et al. (U.S. Patent No. 5,345,467), Lundqvist et al. (U.S. Patent No. 5,640,679), Kingston et al. (U.S. Patent No. 5,825,835), Chen (U.S. Patent No. 5,893,035), Chen et al. (U.S. Patent No. 5,923,650), Bruckert et al. (U.S. Patent No. 5,956,641), Chen (U.S. Patent No. 5,982,760), Saints et al. (U.S. Patent No. 6,075,974), Moore et al. (U.S. Patent No. 6,075,989), and Cudak et al. (U.S. Patent No. 6,091,757) are made of record as describing a related cellular spread spectrum communications system for handing off a remote station from a first base station to a second base station without loss of data. However, none of the prior art references show or suggest at least the following steps: transmitting, from the remote station, an RS-access-burst signal having a plurality of RS segments, with each RS segment having a plurality of RS symbols carrying differentially encoded BS power-control information, with the plurality of RS segments having a plurality of RS power levels, increasing in time; queuing, upon requesting a handoff process to the second base station, RS data for transmission from the remote station; receiving, at the second base station, the RS-access-burst signal at an RS detected power level; transmitting, from the second base station, a BS-access burst signal having a plurality of BS segments, with each BS segment having a plurality of BS symbols carrying differentially encoded RS power-control information, with the plurality of BS

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segments having a plurality of BS power levels, increasing in time; differentially encoding, responsive to detecting the RS-access-burst signal, the plurality of RS symbols with BS power control information including power level for the second base station; differentially encoding, responsive to detecting the RS-access-burst signal, the plurality of BS symbols with RS power control information including power level for the remote station; and receiving at the remote station, the BS-access-burst signal from the second base station.

Conclusion

8. This application is in condition for allowance except for the following formal matters:

The objection to the oath or declaration, Figure 24, the specification, and claim 1 in paragraphs 1-2 and 5-6 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

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(703) 308-9051 or (703) 308-9052, (for formal communications intended for entry)

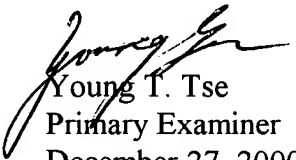
Or:

(703) 308- 6743, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young Tse whose telephone number is (703) 305-4736. The examiner can normally be reached on Monday-Friday from 9:30 AM to 5:30 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.


Young T. Tse
Primary Examiner
December 27, 2000